

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Francie E. Moeller,

No. C 02-5849 PJH (JL)

Plaintiff,

**ORDER**

v.

(granting in part docket # 527)

Taco Bell Corporation, et al.,

Defendants.

All discovery in this case has been referred by the district court (Hon. Phyllis J. Hamilton), under 28 U.S.C. §636(b). The parties' next appearance before Judge Hamilton is on November 5, 2010, when they are to report whether they plan to file motions for summary judgment (Civil Minutes of 3/24/10 at 1). The parties submitted a Joint Statement to this Court, e-filed at Docket # 527, on Plaintiffs' motion for a protective order that depositions not be taken of ten witnesses, along with a request for expedited consideration.

Plaintiffs object that Defendants served the deposition notices on October 19 for depositions of ten absent class members who had visited exemplar store # 4518, to take place on October 22, the last day for fact discovery. Plaintiffs argue that the notice was insufficient and that Defendants have been aware of these witnesses for some time.


Defendants respond that these witnesses were effectively concealed within voluminous discovery from Plaintiffs and that if the parties are taking the depositions of the

1 four newly-disclosed plaintiffs who visited the exemplar Taco Bell restaurant, Number 4518,  
2 as well as named plaintiff Katherine Corbett, on October 27, after the cut-off, by stipulation,  
3 then it is equally reasonable to depose the ten other witnesses after the cut-off. Defendants  
4 offer to set specific time limits for the individual depositions so that multiple depositions may  
5 be taken on the same convenient date.

6 This Court carefully considered the arguments presented by both sides and the  
7 equities involved and hereby orders that the depositions of the ten additional witnesses  
8 proceed on or before October 29, 2010, and that their depositions be no longer than one  
9 hour each.

10 IT IS SO ORDERED.

11 DATED: October 22, 2010

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14 JAMES LARSON  
15 U.S. Magistrate Judge  
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